

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Jim Shockley, on January 20, 2011 at 9:00 AM, in Room 303  
Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Jim Shockley, Chair (R)  
Sen. Terry Murphy, Vice Chair (R)  
Sen. Shannon Augare (D)  
Sen. Anders Blewett (D)  
Sen. Greg Hinkle (R)  
Sen. Rowlie Hutton (R)  
Sen. Larry Jent (D)  
Sen. Cliff Larsen (D)  
Sen. Lynda Moss (D)  
Sen. Jim Peterson (R)

**Members Excused:** None

**Members Absent:** Sen. Chas Vincent (R)

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 24, 1/13/2011; SB 39, 1/13/2011; SB 40, 1/13/2011; SB 42,  
1/13/2011

Executive Action: SB 39-Do Pass, SB 24-Do Pass

**Committee Business:**

00:05:11 Sen. Shockley  
00:01:10 Sen. Augare  
00:01:56 Sen. Peterson  
00:02:37 Sen. Larsen  
00:03:05 Sen. Blewett  
00:04:49 Sen. Hutton  
00:05:29 Sen. Moss  
00:06:21 Sen. Jent  
00:06:58 Sen. Hinkle  
00:07:28 Sen. Murphy

**HEARING ON SB 39**

**Opening Statement by Sponsor:**

00:09:28 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 39, Allow game wardens to issue MIP citations.

**Proponents' Testimony:**

00:11:29 Joe Maurier, Director, Fish, Wildlife and Parks, State of Montana (FWP)  
[EXHIBIT\(jus15a01\)](#)  
[EXHIBIT\(jus15a02\)](#)  
[EXHIBIT\(jus15a03\)](#)  
[EXHIBIT\(jus15a04\)](#)  
[EXHIBIT\(jus15a05\)](#)  
[EXHIBIT\(jus15a06\)](#)  
00:17:32 George Golie, Montana Game Wardens Association  
00:20:23 Kris Minard, self

**Opponents' Testimony:**

None

**Informational Testimony:**

00:21:35 Jim Smith, Montana County Attorneys Association (MCAA), Montana Sheriffs and Peace Officers Association (MSPOA)

**Questions from Committee Members and Responses:**

00:22:31 Sen. Hinkle  
00:23:15 Jim Kropp, Chief, Enforcement Division, FWP  
00:24:45 Kevin Cook, Game Warden, FWP  
00:25:54 Sen. Jent  
00:26:45 Mr. Cook

00:27:47 Sen. Jent  
00:28:40 Mr. Kropp,  
00:29:10 Sen. Larsen  
00:29:55 Mr. Cook

**Closing by Sponsor:**

00:32:44 Sen. Shockley

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**HEARING ON SB 24**

**Opening Statement by Sponsor:**

00:33:48 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 24, Revise involuntary commitment of alcoholics.

**Proponents' Testimony:**

00:36:08 Donald Harr, retired psychiatrist, American Foundation for Suicide Prevention/Montana Chapter

**Opponents' Testimony:**

None

**Informational Testimony:**

00:40:35 Larry Epstein, MCCA, Montana Chiefs of Police Association (MCPA), Montana Police Protective Association (MPPA)

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:42:08 Sen. Shockley

(Without objection, Chairman Murphy allowed Sen. Shockley to present both bills at the same time due to their similarities. Persons testifying will indicate which or both bills they are supporting or opposing)

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**HEARING ON SB 40, HEARING ON SB 42****Opening Statement by Sponsor:**

00:43:37 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 40, Statewide on-call judge for search warrants.

Sen. Jim Shockley (R), SD 45, opened the hearing on SB 42, Authorize warrants to obtain blood or breath test in DUI cases

**Proponents' Testimony:**

00:53:04 Mark Murphy, MCCA, MCPA, MPPA (both bills)  
01:01:14 Scott Twito, Yellowstone County Attorney (SB 42)  
01:04:37 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ) (SB 42)  
01:07:57 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD) (SB 42)  
01:13:39 Dave Carter, Senior Deputy County Attorney, Yellowstone County (SB 42)  
01:16:31 Kris Minard, self (both bills)  
01:17:55 Nikki Zupanic, American Civil Liberties Union (ACLU) (SB 42; not in support of Sen. Shockley's proposed amendment however)  
01:22:19 Jessie Luther, Association of Montana Troopers (both bills)

**Opponents' Testimony:**

01:23:15 Larry Carver, Justice of the Peace, Judith Basin County, Montana Magistrates Association (SB 40)

**EXHIBIT(jus15a07)**

01:33:57 Harold Blattie, Executive Director, Montana Association of Counties (MACo) (SB 40)

**EXHIBIT(jus15a08)**

01:38:52 Mary Phippen, Montana Association of Clerks of District Court (SB 40)  
01:40:20 Elena Gagliano, self (both bills)  
01:44:00 Sen. Augare  
01:44:21 Ms. Gagliano

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:45:15 Sen. Blewett  
01:46:07 Mr. Carver  
01:47:25 Sen. Blewett  
01:47:51 Ms. Bovingdon

**Closing by Sponsor:**

01:48:42 Sen. Shockley

**Comments:**

01:52:33 Sen Shockley

(Sen. Peterson and Sen. Vincent absent from the room)

**EXECUTIVE ACTION ON SB 39**

01:53:44 **Motion/Vote:** Sen. Shockley moved that **SB 39 DO PASS**. Motion carried unanimously by roll call vote. Sen. Peterson and Sen. Vincent voted by proxy.

**EXECUTIVE ACTION ON SB 24**

01:56:11 **Motion/Vote:** Sen. Shockley moved that **SB 24 DO PASS**. Motion carried 10-1 by roll call vote with Sen. Hinkle voting no. Sen. Peterson and Sen. Vincent voted by proxy.

**Exhibit Distributed To Committee Members at the Conclusion of Hearing RE: SB 39**

**EXHIBIT**(jus15a09)

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**ADJOURNMENT**

Adjournment: 10:58 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT**([jus15aad.pdf](#))